



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/208,696	12/10/98	SEKINE	Y RM. HFK <i>WC</i>

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EXAMINER
COLLINS, D

ART UNIT	PAPER NUMBER
3711	<i>3</i>

DATE MAILED: 05/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/208,696

Applicant(s)

Yasuyuki Sekine

Examiner

Dolores R. Collins

Group Art Unit
3711



☒ Responsive to communication(s) filed on Dec 10, 1998

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-10 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Response to Amendment

Examiner acknowledges response by applicant's representative received 5/4/2000.

Examiner further acknowledges the corrections/clarifications made to address the issues of the first action.

Drawings

Examiner acknowledges the corrections made to the drawings. Examiner respectfully withdraws objection to the drawings.

Specification

Examiner acknowledges the corrections made to the specification. Examiner further acknowledges that the objection to the specification in the first office action has been overcome.

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Abstract of Disclosure

Examiner acknowledges the amendment made to the Abstract of Disclosure. The objection made in the first office action has been overcome.

Claim Rejection - 35 U.S.C. 112, Second Paragraph

Examiner acknowledges the amendment made to claims 2 and 3. The rejection under 35 U.S.C. 112 paragraph has been overcome.

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sankyo K.K..

Sankyo discloses, as his invention, a slot machine. In his slot machine he teaches a display that has 2 or more identical symbols appearing serially, as shown in the main figure of his invention.

Sankyo discloses the claimed (display) invention with the exception of the teaching of 2 or more identical special symbols in all three columns. It would be obvious to one of ordinary skill in the art at the time of the invention to duplicate the teaching of 2 or more identical special symbols shown in the right and left columns (drums) as shown in the aforementioned figure, since it has been broadly held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Additionally, the serially appearing symbols of Sankyo's disclosure could be considered special for the purpose of this invention.

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Response to Arguments

4. Applicant's arguments filed 5/4/2000 have been fully considered but they are not persuasive.

Applicant is claiming a display that has symbols with indicia in a predetermined arrangement. The reference to Sankyo K. K. teaches virtually the same display (as mentioned in the aforementioned rejection). The purpose of the game in the patent to Sankyo's should not be an issue, since applicant's claims are more directed to the structure and the physical operation of such. The indicia on the reels of Sanyko K. K. are not exactly the same as those mentioned in applicants display, however, the selection of indicia is only a matter of design choice.

There is no suggestion of speed of rotation of the reels, therefore, examiner sees no reason why a player would not be able to recognize the symbols in order to perform an effective stop. As such, applicant's arguments were not sufficient to overcome the rejection by prior art.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Dolores R. Collins*** whose telephone number is (703) 308-8352. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***Jeanette Chapman***, can be reached on (703) 308-1310. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3579 .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the ***receptionist*** whose telephone number is (703) 308-1148.


JEANETTE CHAPMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700